

**DRAFT**

## City of Santa Barbara Planning Division

### PLANNING COMMISSION MINUTES

February 2, 2012

#### **CALL TO ORDER:**

Chair Lodge called the meeting to order at 1:00 P.M.

#### **I. ROLL CALL**

Chair Sheila Lodge, Vice Chair Mike Jordan, Commissioners Bruce Bartlett, John Campanella, Deborah L. Schwartz, and Addison Thompson.

**Absent: Commissioner Stella Larson**

#### **STAFF PRESENT:**

Paul Casey, Community Development Director

Danny Kato, Senior Planner

N. Scott Vincent, Assistant City Attorney

Michael Berman, Project Planner/Environmental Analyst

James Colton, Public Works Project Manager

Jessica Grant, Public Works Project Planner

Kelly Brodison, Assistant Planner

Julie Rodriguez, Planning Commission Secretary

#### **II. PRELIMINARY MATTERS:**

A. Action on the review of the following Draft Minutes and Resolutions:

1. Draft Minutes of January 12, 2012
2. Resolution 001-12  
822 and 824 E. Canon Perdido Street

#### **MOTION: Schwartz/Bartlett**

Approve the minutes and resolutions.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 1 (Campanella) Absent: 1 (Larson)

- B. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

None.

- C. Announcements and appeals.

1. Danny Kato, Senior Planner, welcomed Planning Commissioner John Campanella.
2. Paul Casey, Community Development Director, gave the status of the Redevelopment Agency.

- D. Comments from members of the public pertaining to items not on this agenda.

Chair Lodge opened the public hearing at 1:29 P.M. and, with no one wishing to speak, closed the hearing.

### III. NEW ITEMS:

#### ACTUAL TIME: 1:29 P.M.

- A. APPLICATION OF TOM OCHSNER, ARCHITECT FOR RUSS SHEPPEL, 1202 SHORELINE DRIVE, APN 045-214-011, E-3/SD-3 ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL 5 UNITS PER ACRE (MST2011-00114)

The project consists of a remodel and two-story addition to an existing 990 square foot residence with a 530 square foot detached two-car garage. The addition consists of a 340 square foot addition on the first floor and a new 560 square foot second floor and a new 400 square foot two-car garage. The proposal will result in a 2,290 square foot, two-story, single family residence, located on a 6,098 square foot lot in the appealable jurisdiction of the Coastal Zone, and is 85% of the maximum required floor-to-lot-area ratio.

The discretionary applications required for this project are:

1. A Modification to allow the demolition and reconstruction of an existing legal non-conforming structure within the front setback on La Marina (SBMC §28.12.060.A and §28.92.110.A); and
2. A Modification to allow the combined wall/fence height to exceed 3.5' within 10' of the front lot line and within ten feet (10') of either side of a driveway for a distance of twenty feet (20') back from the front lot line (SBMC §28.87.170 and §28.92.110.A.3).
3. A Coastal Development Permit (CDP2011-00013) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44);

The Environmental Analyst has determined that the project is categorically exempt from further environmental review pursuant to California Environmental Quality Act Guidelines Section 15301 (Existing Facilities).

Case Planner: Kelly Brodison, Assistant Planner

Email: KBrodison@SantaBarbaraCA.gov

Phone: 805-564-5470, ext. 4531

Kelly Brodison, Assistant Planner, gave the Staff presentation.

Tom Ochsner, Architect, gave the Applicant presentation.

Chair Lodge opened the public hearing at 1:50 P.M.

Brian Miller, Single Family Design Board Member (SFDB), summarized the SFDB's support of the project.

With no one else wishing to speak, the public hearing was closed at 1:54 P.M.

The Planning Commissioners did not agree with the Staff recommendation to require that the existing, nonconforming encroachment into the front setback be reduced from 9.5 feet to five feet.

**MOTION: Bartlett/Jordan**

**Assigned Resolution No. 002-12**

Approve the project as proposed, making the findings for the Over-height Wall Modification, and the Coastal Development Permit outlined in the Staff Report, dated January 26, 2012, and making the finding that the Front Setback Modification is necessary to secure an appropriate improvement because there is a beneficial change from the existing, legally nonconforming encroachment into the front setback on a small corner lot, in that the roof pitch has been re-oriented to reduce the height within the setback. The proposed addition is appropriate in that it will allow for a reasonable expansion of the small residence on an undersized E-3 zoned, corner lot with two 20' front yard setbacks, subject to the Conditions of Approval in Exhibit A of the Staff Report with the following revisions to the Conditions of Approval:

1. Applicant shall seek separate approval from the Staff Hearing Officer for the proposed wall and fence combined height exceeding 8 feet along the westerly property line in the back yard, if necessary;
2. Eliminate the interior foyer wall that separates the entry foyer from the rest of the ground floor and the foyer door; and
3. Eliminate the second floor wet bar in the master suite.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0 Absent: 1 (Larson)

Chair Lodge announced the ten calendar day appeal period.

Commissioner Schwartz left the dais at 2:45 P.M. and returned at 2:49 P.M.

**ACTUAL TIME: 2:46 P.M.**

**B. APPLICATION OF DON SPAGNOLO, PROJECT ENGINEER, ENGINEERING DIVISION, CITY OF SANTA BARBARA PUBLIC WORKS DEPARTMENT, CITY OF SANTA BARBARA, 200 BLOCK CHAPALA STREET, ROW-002-070, HOTEL AND RELATED COMMERCIAL USES ZONE, GENERAL PLAN DESIGNATION: HOTEL AND RESIDENTIAL (MST2010-00263/CDP2011-00007)**

The project would demolish the existing 4,655 square feet (s.f.) bridge deck and replace it with a 2,740 s.f. bridge deck. The south side of the new bridge deck would be supported on piles and a foundation behind the existing sandstone abutment. The north side of the new bridge would be supported by a new abutment in the same location as the existing sandstone walls. The new bridge would provide one vehicular lane in each direction and a five foot sidewalk on each side. New bridge railings and approaches to the bridge would be constructed.

The discretionary application required for this project is a Coastal Development Permit (CDP2011-00007) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.45.009). The Planning Commission will consider adoption of the Negative Declaration prepared for the project pursuant to the California Environmental Quality Act Guidelines Section 15074.

Case Planner: Michael Berman, Project Planner/Environmental Analyst  
Email: MBerman@SantaBarbaraCA.gov Phone: 805-564-5470, ext. 4558

Michael Berman, Project Planner/Environmental Analyst, gave the Staff presentation.

James Colton, Public Works Project Manager, gave the applicant presentation, joined by Jessica Grant, Public Works Project Planner.

Chair Lodge opened the public hearing at 3:12 P.M. and with no one wishing to speak, the public hearing was closed.

**MOTION: Thompson/Jordan**  
Adopted the Mitigated Negative Declaration.

**Assigned Resolution No. 003-12**

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0 Absent: 1 (Larson)

**MOTION: Thompson/Lodge**

Approved the project, making the findings for the Coastal Development Permit outlined in the Staff Report, dated January 26, 2012, subject to the Conditions of Approval in Exhibit A of the Staff Report, with the following revisions to the Conditions of Approval:

1. Amend Condition D.2.1. to require compliance with the City of Santa Barbara requirements for the documentation of historic resources; and
2. Amend Condition F.5. to revise construction start time to 7 a.m.

This motion failed by the following vote:

Ayes: 3 Noes: 3 (Bartlett, Jordan, Schwartz) Abstain: 0 Absent: 1 (Larson)

**MOTION: Thompson/Schwartz**

**Assigned Resolution No. 003-12**

Approved the project, making the findings for the Coastal Development Permit outlined in the Staff Report, dated January 26, 2012, subject to the Conditions of Approval in Exhibit A of the Staff Report with the following revisions to the Conditions of Approval:

1. Amend Condition D.2.1. to require compliance with the City of Santa Barbara requirements for the documentation of historic resources.

This motion carried by the following vote:

Ayes: 4 Noes: 2 (Bartlett, Jordan) Abstain: 0 Absent: 1 (Larson)

Chair Lodge announced the ten calendar day appeal period.

**IV. ADMINISTRATIVE AGENDA**

**ACTUAL TIME: 4:19 P.M.**

**E. Committee and Liaison Reports.**

**1. Staff Hearing Officer Liaison Report**

Commissioner Lodge reported on the Staff Hearing Officer meeting held on January 25, 2012.

**2. Other Committee and Liaison Reports**

a. Commissioner Schwartz reported on the Transportation and Circulation Committee meeting held on January 26, 2012.

b. Commissioner Lodge reported on the Airport Commission meeting of January 18, 2012.

- c. Commissioner Thompson announced that it was First Thursday. Chair Lodge added that Art Museum, Historic Museum, and downtown galleries would be open until 8 p.m.
- d. Commissioner Jordan announced that Friday and Saturday would be opening nights for the student produced musical at Santa Barbara High School.

**V. ADJOURNMENT**

Chair Lodge adjourned the meeting at 4:24 P.M.

Submitted by,

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Julie Rodriguez, Planning Commission Secretary



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 002-12

1202 SHORELINE DRIVE

COASTAL DEVELOPMENT PERMIT, MODIFICATIONS

FEBRUARY 02, 2012

**APPLICATION OF TOM OCHSNER, ARCHITECT FOR RUSS SHEPPEL, 1202 SHORELINE DRIVE, APN 045-214-011, E-3/SD-3 ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL 5 UNITS PER ACRE (MST2011-00114)**

The project consists of a remodel and two-story addition to an existing 990 square foot residence with a 530 square foot detached two-car garage. The addition consists of a 340 square foot addition on the first floor and a new 560 square foot second floor and a new 400 square foot two-car garage. The proposal will result in a 2,290 square foot, two-story, single family residence, located on a 6,098 square foot lot in the appealable jurisdiction of the Coastal Zone, and is 85% of the maximum required floor-to-lot-area ratio.

The discretionary applications required for this project are:

1. A Modification to allow the demolition and reconstruction of an existing legal non-conforming structure within the front setback on La Marina (SBMC §28.12.060.A and §28.92.110.A); and
2. A Modification to allow the combined wall/fence height to exceed 3.5' within 10' of the front lot line and within ten feet (10') of either side of a driveway for a distance of twenty feet (20') back from the front lot line (SBMC §28.87.170 and §28.92.110.A.3).
3. A Coastal Development Permit (CDP2011-00013) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44);

The Environmental Analyst has determined that the project is categorically exempt from further environmental review pursuant to California Environmental Quality Act Guidelines Section 15301 (Existing Facilities).

**WHEREAS**, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

**WHEREAS**, one person appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, January 26, 2012.
2. Site Plans
3. Correspondence received in support of the project:
  - a. Elizabeth and John Hopkins, via email
  - b. Russ Sheppel, neighbor, hand-delivered letter
  - c. Brook and Jaspin Eiler, neighbor, hand-delivered letter
  - d. Kathy Koury, neighbor, hand-delivered letter
  - e. Brian Coryat, neighbor, hand-delivered letter

- f. Gilbert Graham, neighbor, hand-delivered letter
  - g. Arlie M. Skov, neighbor, hand-delivered letter
  - h. Robert Perrine, neighbor, hand-delivered letter
  - i. Ed Kramar, neighbor, hand-delivered letter
  - j. William Slugd, neighbor, hand-delivered letter
  - k. Arthur and Thomasine Lopez, neighbor, hand-delivered letter
  - l. David P. Doerner, neighbor, hand-delivered letter
  - m. Steve Bellandi, neighbor, hand-delivered letter
  - n. Gloria Gall, neighbor, hand-delivered letter
  - o. Sharon and Gary Gentile, neighbor, hand-delivered letter
  - p. Ken Slider, neighbor, hand-delivered letter
  - q. Scott Armstrong, neighbor, hand-delivered letter
  - r. Silas Hildred, neighbor, hand-delivered letter
  - s. Albert H. Meyer, neighbor, hand-delivered letter
  - t. Patricia Fredlund, neighbor, hand-delivered letter
4. Correspondence received in opposition to the project:
- a. Paula Westbury, Santa Barbara, CA
  - b. The Dolotta Family and Davis Family, via email

**NOW, THEREFORE BE IT RESOLVED** that the City Planning Commission:

- I. Approved the subject application making the following findings and determinations:

**A. OVERHEIGHT WALL MODIFICATION**

The repair and reconstruction of the overheight wall along the northwest property line is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure appropriate improvements on the lot because adequate vision clearance is provided when exiting the driveway and the wall height is necessary due to the six feet change in finished grade between the two properties.

**B. FRONT SETBACK MODIFICATION**

The front yard encroachment to rebuild the legally non-conforming building within its existing footprint of five feet is necessary to secure an appropriate improvement ~~appropriate because it~~ there is a beneficial change from the existing, legally nonconforming encroachment into the front setback on a corner lot, in that the roof pitch has been re-oriented to reduce the height within the setback, reduces the eneroachment of an existing legally non-conforming building within front setback on a corner lot, while still allowing the homeowner to construct an appropriate addition to their 1950s structure. The proposed addition is appropriate in that it will allow for a reasonable expansion of the small residence on an undersized E-3 zoned, corner lot with two 20' front yard setbacks.



C. **COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)**

1. The project is consistent with the policies of the California Coastal Act because it does not result in any adverse affects related to coastal resources, including views and public access, as described in Section VI.D of the Staff Report.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code because the additions are compatible with the existing neighborhood, are not visible from the beach, will not impact views from public view corridors, will not impact public access, will not contribute to safety or drainage hazards on the site, is not in an archaeological sensitivity zone and will not disturb the coastal bluff or, as described in Section VI.D of the Staff Report.

II. Said approval is subject to the following conditions:

A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Obtain all required design review approvals.
2. Pay Land Development Team Recovery Fee.
3. Make application and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading. Comply with condition E "Construction Implementation Requirements."
4. Record any required documents (see Recorded Conditions Agreement section).
5. Permits.
  - a. Make application and obtain a Building Permit (BLD) for construction of approved development.
  - b. Make application and obtain a Public Works Permit (PBW) for all public improvements.

Details on implementation of these steps are provided throughout the conditions of approval.

B. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on February 1, 2012, is limited to approximately 900 square feet of first and second story additions to the existing 990 square foot single family residence and the demolition of the existing 530 square foot detached two-car garage and construction of a new 400 square foot attached two-car garage and the improvements shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
2. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to,

swales, natural watercourses, conduits and any access road, as appropriate.

3. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board (SFDB).
4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB). Such plan shall not be modified unless prior written approval is obtained from the SFDB. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the SFDB, the owner is responsible for its immediate replacement.
5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit and Coastal Development Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
6. **Areas Available for Parking.** All parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted.

C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Single Family Design Board (SFDB). The SFDB shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.

1. **Screened Backflow Device.** The backflow devices for fire sprinklers, pools, spas, solar panels and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the SFDB.
2. **Storm Water Quality Treatment.** Site shall be design with permeable paving per specifications in Section 6.8.3 of the City of Santa Barbara's Storm Water BMP Guidance Manual; Landscape Architect/Designer to ensure that site soil drain at a minimum of 0.5 inches/hr.; provide minimum 1 5" thick, no. 8 aggregate base under pavers with subsurface gravel layer (depth determined by soils infiltration rates in BMP manual); provide no. 8 aggregate between pavers with typical construction methods and all redeveloped landscape areas will be designed, graded and amended for maximum storm water infiltration.
3. **Interior Foyer Wall.** The Applicant shall eliminate the interior foyer wall and door that separates the entry foyer from the rest of the ground floor.
- 2.4. **Wet Bar.** The applicant shall eliminate the second floor wet bar in the master suite.

- D. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**

- a. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner's signature.
- b. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water Management Plan (treatment, rate and volume). Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project. The engineer/designer will have to ultimately test the soil infiltration rate to confirm that the site soils drain at a minimum of 0.5 inches/hour per Sheet A-1.4 of project plans.
- c. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements, including the repair of the retaining wall, (including any required appurtenances) within their rights of way or easements shall be obtained by the Owner.
- d. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) in order to help reduce truck traffic on adjacent streets and roadways.

2. **Community Development Department.**

- a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.
- b. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section C "Design Review," and all elements/specifications shall be implemented on-site.
- c. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a

sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

- E. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, and telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
1. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Transportation Manager with a Public Works permit.
  2. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section C "Design Review," and all elements/specifications shall be implemented on-site.
  3. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists

List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

**F. Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
2. **Complete Public Improvements.** Public improvements, as shown in the building plans, including utility service undergrounding and inspection of the required device shall be completed.
3. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.

**G. General Conditions.**

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
2. **Approval Limitations.**

- a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
  - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission / Staff Hearing Officer.
  - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
3. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid at time of building permit application.
  4. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

#### **NOTICE OF APPROVAL TIME LIMITS:**

The Planning Commission action approving the Modification shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

**NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

The Planning Commission / Staff Hearing Officer action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.

**NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (S.B.M.C. § 28.87.370):**

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the land use discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the longest discretionary land use approval related to the application, unless otherwise specified by state or federal law.

This motion was passed and adopted on the 2<sup>nd</sup> day of February, 2012 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (Larson)

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

\_\_\_\_\_  
Julie Rodriguez, Planning Commission Secretary

\_\_\_\_\_  
Date

**PLEASE BE ADVISED:**

**THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.**



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

**RESOLUTION NO. 003-12**  
**200 BLOCK OF CHAPALA STREET**  
**COASTAL DEVELOPMENT PERMIT**  
**FEBRUARY 2, 2012**

**APPLICATION OF DON SPAGNOLO, PROJECT ENGINEER, ENGINEERING DIVISION, CITY OF SANTA BARBARA PUBLIC WORKS DEPARTMENT, CITY OF SANTA BARBARA, 200 BLOCK CHAPALA STREET, ROW-002-070, HOTEL AND RELATED COMMERCIAL USES ZONE, GENERAL PLAN DESIGNATION: HOTEL AND RESIDENTIAL (MST2010-00263/CDP2011-00007)**

The project would demolish the existing 4,655 square feet (s.f.) bridge deck and replace it with a 2,740 s.f. bridge deck. The south side of the new bridge deck would be supported on piles and a foundation behind the existing sandstone abutment. The north side of the new bridge would be supported by a new abutment in the same location as the existing sandstone walls. The new bridge would provide one vehicular lane in each direction and a five foot sidewalk on each side. New bridge railings and approaches to the bridge would be constructed.

The discretionary application required for this project is a Coastal Development Permit (CDP2011-00007) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.45.009). The Planning Commission will consider adoption of the Negative Declaration prepared for the project pursuant to the California Environmental Quality Act Guidelines Section 15074.

**WHEREAS**, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

**WHEREAS**, no one appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, January 26, 2012.
2. Site Plans

**NOW, THEREFORE BE IT RESOLVED** that the City Planning Commission:

I. Approved the subject application making the following findings and determinations:

**A. FINAL MITIGATED NEGATIVE DECLARATION ADOPTION**

1. The Planning Commission has considered the proposed Final Mitigated Negative Declaration, dated September 26, 2011 for the 200 Block Chapala Street, Chapala Street Bridge Replacement Project (MST2010-00263), and comments received during the public review process prior to making a recommendation on the project.
2. The Final Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act requirements, and constitutes adequate environmental analysis of the project.



3. In the Planning Commission's independent judgment and analysis based on the whole record (including the initial study and comments received), there is no substantial evidence that the Project will have a significant effect on the environment. The Final Mitigated Negative Declaration, dated February 2, 2011, is hereby adopted.
4. Mitigation measures identified in the Mitigated Negative Declaration that would avoid or reduce all potentially significant impacts to less than significant levels have been included in the project or made a condition of approval. Additional mitigation measures to minimize adverse but less than significant environmental effects have also been included as conditions of approval.
5. A Mitigation Monitoring and Reporting Program prepared in compliance with the requirements of Public Resources Code § 21081.6, is included in the Final Mitigated Negative Declaration for the Project and is hereby adopted.
6. The location and custodian of documents or other material which constitute the record of proceedings upon which this decision is based is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, CA 93101.
7. The California Department of Fish and Game (DFG) is a Trustee Agency with oversight over fish and wildlife resources of the State. The DFG collects a fee from project proponents of all projects potentially affecting fish and wildlife, to defray the cost of managing and protecting resources. The project is subject to the DFG fee, and a condition of approval has been included, which requires the applicant to pay the fee within five days of project approval.

**B. COASTAL DEVELOPMENT PERMIT**

1. The project is consistent with the policies of the California Coastal Act because the project protects biological resources, spans the creek, treats runoff prior to release, and protects public views (see Section VI.D above)
2. The project is consistent with all applicable policies of the City's Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code because the project protects biological resources, spans the creek, treats runoff prior to release, and protects public views (see Section VI.D above).

**II. Said approval is subject to the following conditions:**

- A. **Approved Development.** The development of the Real Property approved by the Planning Commission on February 2, 2012 is limited to replacement of the Mission Creek bridge at Chapala and Yanonali Streets and the improvements shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
- B. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
  1. Pay Fish and Game fee immediately upon project approval by the California Coastal Commission. Delays in payment will result in delays in filing the required Notice of Determination.
  2. Obtain all required design review approvals.

3. Pay Land Development Team Recovery Fee.
4. Make application and obtain a Building Permit (BLD), if necessary, to demolish any structures / improvements and/or perform rough grading. Comply with condition E "Construction Implementation Requirements."
5. Record any required documents (see Recorded Conditions Agreement section).
6. Permits.
  - a. Make application and obtain a Building Permit (BLD) for construction of approved development.
  - b. Make application and obtain a Public Works Permit (PBW) for all required public improvements.

Details on implementation of these steps are provided throughout the conditions of approval.

- C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Historic Landmarks Commission (HLC). The HLC shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.

1. **Tree Removal and Replacement.** All trees removed, except fruit trees and street trees approved for removal without replacement by the Parks Department, shall be replaced on-site on a one-for-one basis with minimum 15 gallon size tree(s) of an appropriate species or like species, in order to maintain the site's visual appearance and reduce impacts resulting from the loss of trees.
2. **Parks and Recreation Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Parks and Recreation Commission for the removal of 4 (trees (with a trunk diameter greater than four (4) inches at a point twenty-four (24) inches above the ground) in the front yard setback and street tree(s)).

- D. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any City permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. Public Works Department.
  - a. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water Management Plan (treatment, rate and volume). The Owner shall submit a hydrology report prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including, but not limited to

trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.

The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing pillows, etc.) for the operation and use of the storm drain surface pollutant interceptors. The Plan shall be reviewed and approved consistent with the Storm Water Management Plan BMP Guidance Manual.

- b. **Haul Routes Require Separate Permit.** Apply for a Public Works permit to establish the haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more entering or exiting the site. The Haul Routes shall be approved by the Transportation Manager.
- c. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) in order to help reduce truck traffic on adjacent streets and roadways.

2. **Community Development Department.**

- a. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified independent consultant to act as the Project Environmental Coordinator (PEC). Both the PEC and the contract are subject to approval by the City's Environmental Analyst. The PEC shall be responsible for assuring full compliance with the provisions of the Mitigation Monitoring and Reporting Program (MMRP) and Conditions of Approval to the City. The contract shall include the following, at a minimum:
  - (1) The frequency and/or schedule of the monitoring of the mitigation measures.
  - (2) A method for monitoring the mitigation measures.
  - (3) A list of reporting procedures, including the responsible party, and frequency.
  - (4) A list of other monitors to be hired, if applicable, and their qualifications.
  - (5) Submittal of biweekly reports during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding MMRP and condition compliance by the PEC to the Community Development Department/Case Planner.
  - (6) Submittal of a Final Mitigation Monitoring Report.
  - (7) The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in the MMRP and conditions of approval, including the authority to stop work, if necessary, to achieve compliance with mitigation measures.

- b. **Requirement for Archaeological Resources.** The following information shall be printed on the bridge site plan:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

- c. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a draft copy of the notice to the Planning Division for review and approval.
- d. **Letter of Commitment for Neighborhood Notification Prior to Construction.** The Owner shall submit to the Planning Division a letter of commitment to provide the written notice specified in condition E.1 "Neighborhood Notification Prior to Construction" below. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.
- e. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment to hold the Pre-Construction Conference identified in condition E.2 "Pre-Construction Conference" prior to disturbing any part of the project site for any reason.
- f. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section C "Design Review," and all elements/specifications shall be implemented on-site.

- g. **Mitigation Monitoring and Reporting Requirement.** Note on the plans that the Owner shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's mitigation measures, as outlined in the Mitigated Negative Declaration or Environmental Impact Report for the project.
- h. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

- i. **Asbestos Containing Materials.** Pursuant to APCD Rule 1001, the applicant is required to complete and submit an APCD Asbestos Demolition and Renovation Compliance Checklist at least 10 working days prior to commencing any alterations of the buildings. As materials are exposed during demolition they shall be sampled to determine their asbestos content and materials containing asbestos shall be properly abated. Any abatement or removal of asbestos containing materials must be performed in accordance with applicable federal, State, and local regulations. Permits shall be obtained for the Air Pollution Control District prior commencement of demolition of the structures containing asbestos. Materials containing asbestos shall be sent to appropriate land fill that are certified to accept this material. (AQ-1)
- j. **Design.** Implement a bridge design which causes no constriction to the creek bed, and hence no increase of water velocity compared to existing conditions. (BIO-5)
- k. **Bridge Design.** Bridge and restoration plans shall be subject to HLC review and approval to ensure that they are compatible with the proposed West Beach Historic District, photo documentation of the existing railing, north abutment and installation of a plaque that commemorates the location and configuration of the existing bridge. (CR-2)
- l. **Archive Plans and Photos.** Prior to demolition, the bridge will be recorded in accordance with the National Park Service guidelines for Historic American Engineering Record (HAER) documentation. The documentation will include

~~historic research, a narrative report of the history of the bridge, and photo documentation of the bridge. The HAER document will be submitted to the Library of Congress~~ City of Santa Barbara requirements for the documentation of historic resources. (CR-2)

- m. **Bridge Foundation and Structure Design.** The foundation and bridge design shall follow the specifications for type and configuration of foundation and structure in the Final Foundation Report and Bridge Engineers design recommendations. (G-1)
- n. **Drainage and Water Quality.** Project plans, for grading, drainage, stormwater facilities, and project development shall be subject to review and approval by the Public Works Department per City regulations, including the Storm Water Management Plan (SWMP) and Regional Water Quality Control Board waste discharge permit. Sufficient engineered design and adequate measures shall be employed to ensure that no substantial construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water quality pollutants, or groundwater pollutants would result from the project.

Prior to commencement of construction, a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared for implementation during construction that incorporates all feasible Best Management Practices (BMPs) to reduce erosion from construction activities, to minimize the discharge of sediment during storm events, and to eliminate the discharge of non-stormwater pollutants to the maximum extent possible. The following measures shall be incorporated into the project SWPPP, which must meet state NPDES General Construction Permit requirements:

- Temporary stockpiles at the project site shall be protected from erosion by the combined use of temporary berms around the perimeter, perimeter interceptor ditches, and temporary downstream catchments as necessary and appropriate.
- Stockpiles that are present during the winter season shall be protected from erosion due to direct precipitation or runoff during the winter by the use of surface stabilization (such as erosion control blankets).
- Sediment filters/barriers will be constructed along the perimeter of the work area above Mission Creek to prevent sheet flow from discharging sediment into Mission Creek. Protection measures shall remain in place and be maintained in good condition until all disturbed soil areas are permanently stabilized by installation and establishment of landscaping, grass, mulching, or are otherwise covered and protected from erosion.
- The SWPPP must include a contingency plan to protect the exposed work site during the winter months in the event of high runoff in the creek.
- BMPs to prevent discharge of construction materials, contaminants, wash-water, concrete, fuels, and oils that include the following measures:
- Ensure that all construction vehicles and equipment are properly maintained (off-site) to prevent leaks of fuel, oil, and other vehicle fluids.

- Refuel only in bermed areas with impermeable surfaces at least 50 feet from the creek or culvert.
- Implement measures and provide materials to contain any accidental spills or leakage during the fueling of construction equipment at the site.
- Place all stored fuel, lubricants, paints, and other construction liquids in secured and covered containers within a bermed or otherwise contained area at least 200 feet from the creek.
- Prohibit equipment washing and major maintenance at the project site except at the construction staging area. Prohibit concrete washout except at the construction staging area. Concrete washout water shall be collected and stored in an onsite Baker tank to be properly disposed of off-site. Place berms around the active work area on the road when installing piles through the roadbed during the winter to capture any construction debris or concrete in the event of rainfall; place sandbag or straw bale barriers at all storm-drain inlets near the work area to capture any site runoff during winter construction. Remove all refuse and construction debris from the site as soon as possible.
- During concrete pours, the contractor shall have a qualified monitor present to measure pH within any standing water adjacent to the pour. The monitor will have onsite suitable material such as acid to neutralize contaminated water.
- A Storm Inspection Program. During extended storm events, inspections must be made during each 24-hour period, focusing on times when high floods are predicted. The goals of these inspections are: 1) to identify areas contributing to a storm water discharge, 2) to evaluate whether measures to reduce pollutant loadings identified in the SWPPP are adequate, properly installed and functioning in accordance with the terms of the General Permit, and 3) whether additional control practices or corrective maintenance activities are needed. Equipment, materials, and workers must be available for rapid response to failures and emergencies. All corrective maintenance to BMPs shall be performed as soon as possible, depending upon worker safety. Each discharger shall certify annually that the construction activities are in compliance with the requirements of the RWQCB General Permit. Dischargers who cannot certify annual compliance shall notify the appropriate RWQCB. (W-1)

- E. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.
- F. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.
1. **Neighborhood Notification Prior to Construction.** Construction Notice. At least 20 days prior to commencement of construction, the contractor shall provide written notice to all property owners and residents within 450 feet of the project area. The notice shall

contain a description of the proposed project, a construction schedule including days and hours of construction, the name and phone number of the Project Environmental Coordinator (PEC) who can answer questions, and provide additional information or address problems that may arise during construction. A 24-hour construction hot line shall be provided. Informational signs with the PEC's name and telephone number shall also be posted at the site. (N-1)

2. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Community Development Department Building and Planning Divisions, the Property Owner, Creeks Division Landscape Architect, Biologist, Project Engineer, Project Environmental Coordinator, Mitigation Monitors, Contractor and each Subcontractor.
3. **Construction Contact Sign.** Immediately after Encroachment permit issuance, signage shall be posted at the points of entry to the site that list the contractor and Project Environmental Coordinator's (PEC) name, contractor and PEC's telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
4. **Sandstone Recycling.** Any existing sandstone in the public right-of-way or the existing bridge construction that is removed and not reused shall be carefully salvaged and delivered to the City Corporation Annex Yard on Yanonali Street.
5. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. and, excluding the following holidays:

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

\*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Planning Staff to request a waiver from the above construction hours, using the procedure outlined



in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out said construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number. (N-2)

6. **Construction Storage/Staging.** Construction Parking. Construction parking and vehicle/equipment/materials storage shall be provided as follows:
  - A. During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Transportation and Parking Manager. (T-2)
  - B. On-site or off-site storage shall be provided for construction materials, equipment, and vehicles.
7. **Construction Traffic.** The haul routes for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Transportation Engineer. Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) to help reduce truck traffic and noise on adjacent streets and roadways. The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods. (T-1)
8. **Mitigation Monitoring Compliance Reports.** The PEC shall submit biweekly reports during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding MMRP compliance to the Community Development Department Planning Division.
9. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

10. **Nesting Birds.** Tree removal/relocation/trimming activities shall not occur during nesting season (February 1 – August 30). If these activities must occur during this time, a qualified biologist shall conduct a survey of the trees no more than one week prior to the activity to identify active nests and nest holes. The biologist shall map the location of all active and inactive nests and nest holes in trees. A 300-foot radius no-disturbance buffer shall be established around trees containing active nests and this buffer shall be maintained until the biologist has verified that young birds have fledged the nest.
11. **Construction Dust Control - Watering.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to achieve minimum soil moisture of 12% to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust. Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas every three hours. Increased watering frequency will be required whenever the wind speed exceeds 15 mph. (AQ-2)
12. **Construction Dust Control – Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin and maintain a freeboard height of 12 inches. (AQ-3)
13. **Construction Dust Control – Gravel Pads.** Gravel pads, 3 inches deep, 25 feet long, 12 feet wide per lane and edged by rock berm or a row of stakes or a pipe-grid track out control device shall be installed to reduce mud/dirt track out from unpaved truck exit routes. (AQ-4)
14. **Construction Dust Control – Minimize Disturbed Area/Speed.** Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less. (AQ-5)
15. **Construction Dust Control – Disturbed Area Treatment.** After clearing, grading, earth moving, excavation, or demolition is completed, the entire area of disturbed soil shall be treated to prevent wind erosion. This may be accomplished by:
  - a. Seeding and watering until grass cover is grown;
  - b. Spreading soil binders;

- c. Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind;
  - d. Other methods approved in advance by the Air Pollution Control District. (AQ-6)
- 16. **Construction Dust Control – Surfacing.** All surfaces for roadways, driveways, sidewalks, etc., shall be laid as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. (AQ-7)
  - 17. **Stockpiling.** If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist by applying water at a rate of 1.4 gallons per hour per square yard, or treated with soil binders to prevent dust generation. Apply cover when wind events are declared. (AQ-8)
  - 18. **Construction Dust Control – Project Environmental Coordinator (PEC).** The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when construction work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading for the structure. (AQ-9)
  - 19. **Engine Size.** The engine size of construction equipment shall be the minimum practical size. (AQ-10)
  - 20. **Equipment Numbers.** The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time. (AQ-11)
  - 21. **Equipment Maintenance.** Construction equipment shall be maintained to meet the manufacturer's specifications. (AQ-12)
  - 22. **Catalytic Converters.** Catalytic converters shall be installed on gasoline-powered equipment, if feasible. (AQ-13)
  - 23. **Diesel Catalytic Converters.** Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available. (AQ-14)
  - 24. **Diesel Replacements.** Diesel powered equipment shall be replaced by electric equipment whenever feasible. (AQ-15)
  - 25. **Idling Limitation.** All commercial diesel vehicles are subject to Title 13, Section 2485 and 2449 of the California Code of Regulations, limiting engine idling times. Idling of heavy-duty diesel trucks and diesel fueled or alternative diesel fueled off-road compression ignition vehicle during loading and unloading shall be limited to five minutes; auxiliary power units shall be used whenever possible. (AQ-16)
  - 26. **Worker Trips.** Construction worker trips shall be minimized by requiring carpooling and by providing for lunch onsite. (AQ-17)

27. **Portable diesel equipment** - All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program or shall obtain an APCD permit. (AQ-18)
28. **Mobile construction equipment** - Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, Section 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emission from in-use (existing) off-road diesel-fueled vehicles. The current requirements include idling limits of 5 minutes, labeling of vehicles with ARB-issued equipment identification numbers, reporting to ARB, and vehicle sales disclosures. For more information, please refer to the CARB website at [www.arb.ca.gov/msprog/ordiesel/ordiesel.htm](http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm) (AQ-19)
29. **Asphalt paving** – Asphalt paving activities shall comply with APCD Rule 329, Cutback and Emulsified Asphalt Paving Materials. (AQ-20)
30. **Equipment.** To avoid impacts to aquatic resources, no construction equipment shall be operated within the channel and stream bottom between December 1st and the end of March 30th or whenever significant water flows (water flow in the CALTRANS Channel more than 1/2 inch deep) pass down Mission Creek. (BIO-1)
31. **Construction Dates.** To avoid impact to steelhead and tidewater goby, which are federally listed species, construction upstream of Yanonali Street shall be restricted to dates between June 1st and December 1st if water flow in the CALTRANS Channel is more than 1/2 inch deep. If no continuous surface water flow exists in the CALTRANS Channel after April 15th, construction could occur from then until December 1st. (BIO-2)
32. **Flowing Water.** No construction shall occur in the flowing water. If water is present during the construction, the water shall be diverted by construction of a low flow channel or installation of a pipe. (BIO-3)
33. **Biological Monitor.** A qualified biologist (knowledgeable of steelhead and tidewater goby) shall survey the area for steelhead prior to construction and relocate according to USF&WS protocol any individuals in the construction area, and shall monitor project construction in critical times, (during de-watering of the creek, or installation/removal of pipes in the creek). Monitoring would be performed every week at the beginning of construction and every other week after completion of project construction. (BIO-4)
34. **Railroad Depot Sandstone Channel Wall, Depot Park, and Potter Pedestrian Bridge.** The sandstone wall forming the channel adjacent to the bridge abutments, Depot Park and the Potter Hotel pedestrian bridge shall be protected in place and if any inadvertent damage to this wall, park or the pedestrian bridge occurs during construction the wall and/or bridge and/or park shall be restored to their existing configuration. (CR-3)
35. **Hazardous Materials Abatement.** Implementation of a lead abatement plan meeting Federal and State standards shall be required to ensure that the materials on the site are sampled and tested as they are exposed during construction and that hazardous materials identified including the lead containing paint on the bridge railing and cross braces is removed and disposed of in a manner that does not allow the lead based paint to

contaminate the environment. During demolition sampling of materials suspected to contain asbestos or lead shall be conducted. If hazardous materials are present they shall be handled and disposed of according to existing laws. (H-1)

36. **Construction Equipment Sound Control.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices. Any pumps used for dewatering shall be enclosed in a noise barrier designed to reduce noise from pumps to 55 dBA (CNEL 60 dBA) at the nearest residential property line. (N-3)
37. **Recycling.** The project shall recycle as much construction waste as feasible. (PS-1)
38. **SWMP Implementation.** Implement the approved SWMP for the project.

G. **Prior to Bridge Opening.** Prior to bridge opening, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
2. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, including utility service undergrounding and installation of street trees and street lights, shall be completed.
3. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.
4. **Biological Monitoring Contract.** Submit a contract with a qualified biologist acceptable to the City for on-going monitoring.

H. **General Conditions.**

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
2. **Approval Limitations.**
  - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
  - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
  - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further

environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

3. **California Department of Fish and Game Fees Required.** Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. seq. of the California Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified Department of Fish and Game fees are paid and filed with the California Department of Fish and Game within five days of the project approval. The fees required are \$2,839.25 for projects with Environmental Impact Reports and \$2,044.00 for projects with Negative Declarations and a filing fee of \$50.00. Without the appropriate fee, the Notice of Determination cannot be filed and the project approval is not operative, vested, or final. The fee shall be delivered to the Planning Division immediately upon project approval in the form of a check payable to the California Department of Fish and Game. Please note that a filing fee of \$50.00 is also required to be submitted with the Fish and game fee in the form of a separate check payable to the County of Santa Barbara.
4. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid at time of building permit application.

#### **NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

The Planning Commission action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.

This motion was passed and adopted on the 2nd day of February, 2012 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 4 NOES: 2 (Bartlett, Jordan) ABSTAIN: 0 ABSENT: 1 (Larson)

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

\_\_\_\_\_  
Julie Rodriguez, Planning Commission Secretary

\_\_\_\_\_  
Date

**PLEASE BE ADVISED:**

**THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.**

DRAFT